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May 17, 2010

Mr. Stephen Tzhone, Remedial Project Manager
United States Environmental Protection Agency (6SF-RA)
1445 Ross Avenue
Dallas, TX 75202

Subject: San Jacinto River Waste Pits Superfund Site – Comments on Draft Remedial Investigation/Feasibility Study Work Plan

Dear Mr. Tzhone,

Harris County appreciates the opportunity to comment on the draft Remedial Investigation/Feasibility Study (RI/FS) Work Plan for the San Jacinto River Waste Pits Superfund Site (SJRWPSS) located in Harris County, Texas. Harris County's SJRWPSS Technical Team (comprises members of Public Health and Environmental Services, Public Infrastructure Department and the County Attorney's Office) submits the following general and section-specific comments as follows.

General Comments:

- The RI/FS Work Plan should consider all appropriate removal actions and remediation solutions with equal weight and not be slanted toward use of a Confined Disposal Facility (CDF). Alternatives such as excavation and off-site disposal of the source waste fill need to be addressed more fully. This comment relates to Section 1.2.1 - Site Management, Section 5.4 - Study Element 4: Engineering Design Evaluation, Section 6.1.1 – Sediment, and Section 7.6.4 -Disposal Technologies.
- The evaluation of remedies should consider applicable federal requirements such as flood impacts of any proposed structure (if a structure that blocks additional flow area of the river is selected) as well as the stability of the I-10 bridge (if additional scour is introduced by a restriction of the upstream flow area caused by a remedy).
- The RI/FS Work Plan does not address the following two sites that should be incorporated into this plan:

1. As per an interoffice memo of the State Health Department concerning an investigation conducted on April 22, 1966, the same waste as contained in the SJRWPSS was also deposited in a pit located south of the Superfund Site. As this waste fill may represent a similar threat to the human health and the environment and was the waste generated by Champion Paper Company, this location should also be investigated for inclusion in the scope of this RI/FS Work Plan. This location is currently described as Tract 4J of Abstract 330 of the J.T. Harrell Survey.
 2. As indicated by review of aerial photos, some type of pit excavation and filling occurred on what is now described as Tracts 4F and 4F-1 of Abstract 330 of the J.T. Harrell Survey. A pit appears to be under excavation as indicated in a 1964 aerial photo, and from additional aerial photos, was filled between 1966 and 1969, with possible additional filling between 1969 and 1973.
- The report cited as Louchouart and Brinkmeyer (2009), is a study on Phase I of a multi-year study designed to examine the sequestrations and microbial degradation of dioxins in the Houston Ship Channel/Galveston Bay (HSC/GB) system. The Conclusions of this report ends with the following statement:

Although this work is based on empirical sorption coefficients that are relevant to the environment of study, accurate porewater concentrations (and thus bioaccumulation potential) need to be measured directly before any meaningful risk assessment and remediation strategy are to be devised.

Thus, reliance on this source should be tempered with this limitation and cited only when appropriate. In particular the statements attributed to this cited report in Section 4.1.1 Page 54, Section 4.1.3, Page 58, and Section 6.1.2, Page 79 should be revised recognizing this limitation.

Section Specific Comments:

- Section 2.1, Page 10, Site History. This section omits a critical fact regarding discharges of waste from the Site. A sentence should be added to this paragraph to the effect that some waste was pumped from the Site into the San Jacinto River as noted in a letter to MIMC from the Harris County Health Unit dated December 28, 1965; copy of letter attached.
- Section 2.1, Page 10, Site History. This section describes the Site as having “late successional stage estuarine riparian vegetation.” During a Site visit, the Site seemed dominated by hackberry trees which are often considered pioneer or early successional stage trees in this portion of the State of Texas. The basis for the characterization of the Site as having vegetation characteristic of a late successional stage should be validated to verify this description. This description is also used in Section 2.2.2.

- Section 2.2.3, Page 13, Land Use. This section states: “There are three registered point sources of dioxins and furans upstream of the Site on the San Jacinto River and one immediately downstream (Figure 2-4: Table 2-1).” It is not clear what references are used for these registrations. Defining other sources of dioxins and furans is an important part of this study and the other sources need to be carefully defined with supporting documentation.
- Section 2.2.7, Page 18, Surface Water Use. This section states in the first paragraph, “Fish consumption in the San Jacinto River, both up and downstream of the Site is restricted...” The language in the RI/FS Work Plan suggests that there is some governmental agency which is patrolling the area to dissuade fish consumption. Harris County requests that this language be clarified to convey that the Texas Department of State Health Services places fish advisories recommending limiting fish consumption. However, fish consumption is only restricted by the amount that local fishers can catch. To date, the only action undertaken to restrict fishing has been advisory signage and the recent addition of a fence along a portion of the shoreline.
- Section 2.2.7, Page 18, Surface Water Use. This section focus only on water use designation which does not let the whole story. There needs to be additional discussion and figures about impaired water bodies for those use segments under the CWA 303D list. Otherwise, statements such as “[i]n all but one of the segments, the river is considered suitable for aquatic life and recreation” are misleading. Also, where “recreation” is mentioned, it needs to be corrected that the reference refers to contact recreation or non-contact recreation standard which focuses on bacteria as an indicator species. (See: 1. “The water quality segments upstream and downstream of the Site include the following uses [listed in Table 2-3]: aquatic life, general, recreation and fish consumption.” 2. “In all but one of the segments, the river is considered suitable for aquatic life and recreation.”) Also, according to the 2008 303(d) list, segments 1005-02 and 1006-01 and 1006-05 are listed as impaired for bacteria. Please verify the statement, “[i]n all but one of the segments . . .”
- Section 2.3.2, Page 24, Sediment. Fourth paragraph references a county wastewater treatment facility. Harris County, the governmental entity, does not own or operate this facility. Please properly identify the owner of this wastewater treatment facility.
- Section 2.3.2 Page 25, Sediment. In this section is the statement:

Tidal dispersion may lead to some upstream transport and mixing, but the aggregate downstream movement of the sediment in the San Jacinto River system appears to limit the potential influence of downstream sediments on conditions within the Site (Louchouart and Brinkmeyer 2009).

This statement does not appear to be supported by the cited report. Please verify and revise as needed.

- Table 2-1 - Highlands Acid Pit is listed in this table as a source of dioxin and furans. According to site description posted on the EPA website summary, these are not listed as primary contaminants. Please verify the presence of dioxins and furans from the Highlands Acid Pit with documentation.
- Section 2.3.7.1 Page 30, Louchouart and Brinkmeyer (2009). The second paragraph cites conclusions based on the Phase I report of Louchouart and Brinkmeyer (2009). This cite uses stronger language than the report does. Similarly, the final paragraph in this section uses stronger language than the report. Please adjust the cites to match the level of confidence expressed in the report cited.
- Section 2.3.7.6 Page 37, Summary. The first bullet ends with a statement that is not conditioned as the report cited. This conclusion was based on modeling and was stated in the report with less certainty as the cite. Please adjust the cite to match the level of confidence expressed in the report cited.
- Section 2.6.1, Page 45, Historical Context. Fifth paragraph refers to the “present town of Lynchburg.” The town of Lynchburg was the victim of subsidence and no longer exists as such. Please correct this reference in the document.
- Section 4.1.4 Page 59, Global and Regional Dioxin and Furan Sources, Release Mechanisms, and Transport Pathways. The conclusion at the end of the final paragraph should cite other studies that contributed data that supports this statement, including University of Houston and Parsons 2006.
- Section 4.2.1, Page 60, Human Health Receptors. The first paragraph in this section states “Fishers include children or adults who consume fish from within the Site boundaries either by boat or from along the riverbanks.” Please include wading as a means of harvesting fish and shellfish in this section and revise the associated Figure 4 – 4 for potentially complete and significant exposure pathway for Fishers to surface water through dermal contact.
- Section 6.1.1, Page 76, Sediment. A large portion of the submerged areas around the Site are areas of sediment deposition from the San Jacinto River. As such, surface sampling of sediments may only sample relatively recent deposits of soils from upstream and not collect historical contamination associated with the Site and core sampling would be needed to verify the character of sediments in this area. In the current sediment sampling plan, additional core samples are needed to characterize the extent of contamination in depositional portions of the San Jacinto River at the following locations in Figure 14 of the Final Sediment Sampling and Analysis Plan (with adjustment to the language in Section 2.1, third bullet in the text of the Final Sediment Sampling and Analysis Plan): SJNE034, SJNE044, SJNE045, SJNE036 and SJNE024.

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- Section 6.2, Page 88, PRG Development. We agree with using upstream data for preliminary remediation goals; however, due to tidal influence and storm surges since the Site was developed, careful consideration should be given to the upstream sample point(s).
- Section 6.1.3. We look forward to commenting on the Tissue SAP as referenced in this section; however, our preliminary comments are that the list of species to be collected needs to include a comprehensive list of fatty fish that are consumed by Fishers as well as those with consumption advisories.

Thank you for the opportunity to review this RI/FS Work Plan and provide comments. We look forward to contributing to the Superfund process through future document reviews. Should you have questions about these comments, please contact Steve Hupp, Administrator – Water and Solid Waste Programs at 713-439-6261 or by email at shupp@hcphe.org.

Sincerely,

Herminia Palacio, MD, MPH
Executive Director

Attachment – Harris County Health Unit Letter 12/28/1965

cc: Honorable Ed Emmett, Harris County Judge
Commissioner Sylvia Garcia, Harris County Precinct Two
Vince Ryan, Harris County Attorney
John Blount, P.E., Architecture and Engineering Division

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